

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 16, 2007

DIVISION ONE

B192448 People (Not for Publication)
v.
Melvin Johnson

Johnson's appeal is dismissed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

B188486 People (Not for Publication)
v.
Ramirez

The judgment is reversed and the case is remanded for a new trial.

Rothschild, J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B191642 People
 v.
 Sweeny Jr.

It appearing that the opinion on 12/21/06, was filed through inadvertence and clerical error. It is ordered that the opinion is hereby vacated.

DIVISION THREE

B191421 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Daniel G.

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B189240 City National Corporation (Certified for Publication)
 v.
 Franchise Tax Board

The judgment is reversed. Appellant(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
 Manella, J.

January 16, 2007 (Continued)

DIVISION FOUR (Continued)

B190157 Neely (Not for Publication)

V.

Washington Mutual Bank et al.

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B190873 People (Not for Publication)

V.

Evans

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B191385 People (Not for Publication)

V.

Anderson

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Suzukawa, J.

DIVISION FIVE

B189768 People (Not for Publication)
v.
Raphael R.

The judgment is affirmed.

Kriegler, J.

We concur: Armstrong, Acting P.J.
Mosk, J.

B190727 People (Not for Publication)
v.
Khalid Muhammad

Upon issuance of the opinion, the superior court clerk is directed to issue an amended abstract of judgment which correctly reflects the presentence credits and forward it to the Department of Corrections and Rehabilitation. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B189986 Human Services Agency (Not for Publication)
v.
Kimberly I.,

The jurisdictional and dispositional orders are affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B190454 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B185726 Burden (Certified for Publication)
v.
Agnew

The order is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

B185285 Odom et al., (Not for Publication)

v.

Horticulture Labor Services

The judgment is reversed. Appellant is to recover costs.

Perren, J.

We concur: Gilbert, P.J.

Yegan, J.

B190054 Smith (Certified for Publication)

v.

Worker's Compensation Appeals Board

The Board is directed to annul its decisions denying Smith and Amar reasonable attorney fees, and to enter new and different decisions awarding such fees.

Gilbert, P.J.

We concur: Coffee, J.

Perren, J.

B194518 Phillip S. (Not for Publication)

v.

Ventura County Superior Court

(Ventura County Human Services Agency, r.p.i.)

The petition is denied.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

DIVISION SIX (Continued)

[illegible]

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B189687 People (Not for Publication)
v.
Torres

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B185592 People (Not for Publication)
v.
Carrion

The judgment is reversed and the matter remanded for further proceedings.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B185622 Arciga (Not for Publication)

v.

Worker's Compensation Appeals Board

Kendall Jackson Wine Estates, Respondent

It appears that the Board has construed the post-termination rules concerning employer knowledge and CT too narrowly. Accordingly, we remand this matter with directions that the Board annul its decision and conduct further proceedings to determine whether Arciga sustained CT and whether KJ was on inquiry notice while she was working that she was suffering from work-related injuries.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SEVEN

B194139 Alvarado (Certified for Publication)

v.

Superior Court, Los Angeles County

(People, r.p.i.)

Let a peremptory writ of prohibition issue directing respondent superior court to vacate and set aside its ruling denying the motion to dismiss the Penal Code section 12022.5, subdivision (a) enhancement allegation and to enter a new and different order granting the motion to dismiss the enhancement allegation.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION SEVEN (Continued)

B193042 Medeiros et al., (Certified for Publication)
v.
Superior Court, Los Angeles County
(Health Net of California et al., r.p.i.)

The petition of writ of mandate is granted. Let a peremptory writ of mandate issue directing the respondent superior court to vacate its June 12, 2006 order compelling arbitration, and to issue an order denying real parties in interest's motion to compel arbitration. Petitioners are entitled to recover their costs in this writ proceeding.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

B194390 Cesar C., (Not for Publication)
v.
Superior Court, Los Angeles County
(L.A. Co. Department of Children and Family Services et al., r.p.i.)

Let a peremptory writ of mandate issue directing the juvenile court to vacate its orders of October 4, 2006, denying Cesar C.'s section 388 petition for modification of previous court orders and setting a hearing pursuant to section 366.26, and thereafter to proceed as follows: The court shall grant the petition for modification as to Ruby, find Cesar C. to be Ruby's presumed father, and order the Department to provide reunification services to him as to Ruby. The court shall further proceed promptly to conduct a hearing to determine whether Cesar C. is entitled to presumed father status as to Mya, and if so whether the Department should be ordered to offer reunification services. Good cause appearing, this decision shall become final as to this court within ten days after the date hereof.

Johnson, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION SEVEN (Continued)

B187779 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Navajo Nation

The juvenile court's June 22, 2005 placement order as to Olivia S. and the order granting the R.'s de facto parent status as to Gabriel Y. are reversed. In all other respects, the orders are affirmed. The matter is remanded to the juvenile court for further proceedings consistent with this opinion.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

B189596 Dupont et al., (Not for Publication)
 v.
 Avalon Hollywood Services, Inc.,

The judgment is reversed and the cause remanded to the trial court with directions to enter an order granting Avalon's motion for summary adjudication as to plaintiffs' second cause of action only and denying the motion as to the remaining causes of action. Plaintiffs are awarded their costs on appeal.

Johnson, J.

We concur: Perluss, P.J.
 Woods, J.

DIVISION SEVEN (Continued)

B182757 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B193479 People (Not for Publication)
v.
Logan

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B190521 People (Not for Publication)
v.
Sandoval

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Zelon, J.

DIVISION SEVEN (Continued)

B192301 People (Not for Publication)

V.

Sutton

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.

Zelon, J.

DIVISION EIGHT

B183193 Century National Insurance Company,

V.

State Compensation Insurance Fund,

Filed order denying petition for rehearing.